

PROB 12C  
(REV. 12/04)

## UNITED STATES DISTRICT COURT

for

WESTERN DISTRICT OF TEXAS

FILED

NOV 24 2014

CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
BY DAE DEPUTY

## Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Brandon Wesley GeorgiosCase Number: SA-05-CR-330-RF (03)  
SA-06-CR-014-RF (01)Name of Sentencing Judicial Officer: Honorable Royal Furgeson, United States District JudgeDate of Original Sentence: December 21, 2006Original Offense: SA-05-CR-330-RF (03): Conspiracy to Possess with Intent to Distribute More Than 50 Grams of Methamphetamine, in violation of 21 U.S.C. §846 and 21 U.S.C. §§ 841(a)(1) and 841(b)(1).SA-06-CR-014-RF (01): Possession with Intent to Distribute More Than 5 Grams of Methamphetamine, in violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(B).Original Sentence: SA-05-CR-330-RF (03): 108 months custody followed by 4 years supervised release, with custody and supervised release to run concurrently to SA-06-CR-014-RF (01), and a \$100 special assessment.SA-06-CR-014-RF (01): 108 months custody followed by 4 years supervised release, with custody and supervised release to run concurrent to SA-05-CR-330-RF (03), and a \$100 special assessment.Type of Supervision: Supervised Release Date Supervision Commenced: February 11, 2014Assistant U.S. Attorney: Joe F. Sepeda Defense Attorney: Jesus Guadalupe Rivera

## PREVIOUS COURT ACTION

None.

## PETITIONING THE COURT

- ☒ To issue a warrant  
☐ To issue a summons

The probation officer believes that the offender has violated the following condition(s) of supervision:

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Violation Number      Nature of Noncompliance

1.      **Standard Condition No. 7: The defendant shall refrain from the excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substance, except as prescribed by a physician.**

The offender tested positive for the following drugs on the following dates:

<u>Date</u>	<u>Drug</u>	<u>Specimen Result</u>
08/07/14	Amphetamines	Positive

2.      **Standard Condition No. 2: The defendant shall report to the Probation Officer and shall submit a truthful and complete written report within the first five days of each month.**

The offender was instructed to report in person to the U.S. Probation Office each month. However, the offender has failed to report for the months of September 2014, and October 2014.

3.      **Standard Condition No. 3: The defendant shall answer truthfully all inquiries by the Probation Officer and follow the instructions of the Probation Officer.**

The offender failed to respond to a letter instructing him to report to the U.S. Probation Office on September 24, 2014. Additionally, the offender failed to respond to telephone messages instructing him to call or contact this U.S. Probation Office.

4.      **Special Condition: The defendant shall participate in a program approved by the probation officer for treatment of narcotic addiction or drug or alcohol dependency which may include testing and examination to determine if the defendant has reverted to the use of drugs or alcohol. The defendant may be required to contribute to the cost of services rendered (copayment) in an amount to be determined by the probation officer, based upon the defendant's ability to pay.**

On February 26, 2014, the offender was referred to San Antonio Lifetime Recovery Center for an initial assessment. Georgios was instructed to attend one (1) individual counseling session per month and two (2) cognitive behavioral group classes per month. However, due to his positive urine sample for amphetamines on August 7, 2014, treatment was increased to include another individual session per month on September 18, 2014.

According to Lifetime Recovery Center records, Georgios last attended individual drug treatment on June 25, 2014, and he failed to schedule and attend the following individual counseling sessions: one (1) session in July 2014; one (1) session in August 2014; two (2) sessions in September 2014; two (2) sessions in October 2014; and two (2) sessions November 2014.

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According to Lifetime Recovery Center records, Georgios last attended group counseling drug treatment on July 22, 2014, and he failed to schedule and attend the following group counseling sessions: two (2) sessions in August 2014; two (2) sessions in September 2014; two (2) sessions in October 2014; and two (2) sessions November 2014. As such, treatment was closed unsuccessfully on November 10, 2014.

The offender failed to appear for a scheduled drug test on the following dates:

<u>Date</u>	<u>Result</u>
07/17/14	No Show
07/31/14	No Show
08/28/14	No Show
09/18/14	No Show
09/24/14	No Show
10/09/14	No Show
10/23/14	No Show
11/04/14	No Show

**U.S. Probation Officer Recommendation:** Georgios's term of supervised release began on February 11, 2014, and is scheduled to expire on February 10, 2018. Georgios has a Criminal History Category of III. According to the presentence investigation report, Georgios reported a significant substance abuse history, to include excessive alcohol consumption and daily marijuana use beginning at age 15, and daily use of methamphetamine beginning at age 25.

Due to his substance abuse history, Georgios was referred to Lifetime Recovery for drug treatment on February 26, 2014. Since commencement of supervised release, Georgios has submitted nine urine samples to the U.S Probation Office which tested negative for illegal substances. However, on August 7, 2014, the offender submitted a urine sample which tested positive for amphetamines and beginning August 28, 2014, the offender has failed to submit urine samples as instructed.


On October 24, 2014, Lifetime Recovery contacted the U.S. Probation Office and informed they would be closing treatment services for Georgios, citing that over 30 days of non-attendance is grounds for non-compliance and unsuccessful discharge from treatment. As such, treatment was closed unsuccessfully on November 10, 2014.

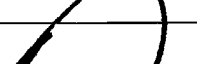
A recent Post Conviction Risk Assessment (PCRA) conducted on August 31, 2014, revealed Georgios to be in the High Risk category, with dynamic risk factors of 1) cognitions, 2) social networks, and 3) alcohol/drugs.

It should be noted that during an office visit to the U.S. Probation Office on June 11, 2014, the offender advised his probation officer that (regarding treatment services) he doesn't like the group sessions, and he doesn't need treatment. He further stated he will attend and participate because he is required, but he believes recovery is a personal decision. If he makes up his mind not to use, then he won't use. If he decides to use, there is nothing and no amount of treatment that will keep him from using.

In light of the above information, it is respectfully recommended that a warrant be issued and Georgios be called before the Court to answer why his supervision should not be revoked.

☐ The conditions of supervision should be modified as follows:

  
 Juan M. Perez  
 U.S. Probation Officer  
 Telephone: (210) 472-6590, Ext. 5366  
 Date: November 12, 2014

  
Honorable  
U.S. District Judge  
11/24/14  
Date